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BellSouth Telecommunications, Inc.

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November 22, 2002

Guy M. Hicks
General Counsel

TN REGULATORY AUTHORITY
DOCKET ROOM
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VIA HAND DELIVERY

Hon. Sara Kyle, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Re: *Generic Docket to Establish UNE Prices for Line Sharing per FCC 99-355 and Riser Cable and Terminating Wire as Ordered in TRA Docket No. 98-00123*
Docket No. 00-00544

Dear Chairman Kyle:

Enclosed are the original and fourteen copies of a Joint Motion to Extend Authority Stay. Mr. Jim Wright, counsel for Sprint, and Mr. Henry Walker, counsel for AT&T and Covad, have given their express permission for me to sign this pleading on their behalf. Copies of the enclosed are being provided to counsel of record.

Very truly yours,

Guy M. Hicks

GMH:ch

BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee

In Re: *Generic Docket to Establish UNE Prices for Line Sharing per FCC 99-355 and Riser Cable and Terminating Wire as Ordered in TRA Docket No. 98-00123*

Docket No. 00-00544

JOINT MOTION TO EXTEND AUTHORITY STAY

BellSouth Telecommunications, Inc. ("BellSouth") and United Telephone-Southeast, Inc. ("Sprint") jointly request that the Tennessee Regulatory Authority (the "TRA" or the "Authority") extend the stay previously granted by the Authority in this proceeding until at least sixty days after the FCC takes formal action with respect to the D.C. Court of Appeals *vacatur* of the FCC's line sharing rules.¹ By Order dated June 27, 2002, the TRA addressed motions for reconsideration filed by Sprint and BellSouth and granted a stay for a period of six months with respect to its previous ruling ordering BellSouth and Sprint to "install, for the CLECs' use, dual-purpose line cards in the fiber-fed Next Generation DLC equipment in the remote terminal under nondiscriminatory terms and at just and reasonable rates."²

BellSouth and Sprint both appealed the ruling on dual purpose line cards, as well as several other aspects of the Authority's June 27, 2002, Order, to U.S. District Court in Nashville.³ AT&T Communications of the South Central States, Inc. ("AT&T") and DIECA d/b/a COVAD Communications Company ("COVAD")

¹ See *United States Telecom Association v. FCC*, 290 F.3d 415 (D.C. Circ. 2002)

² See *Order on Petition for Stay and Request for Reconsideration and Clarification*, entered June 27, 2002 at pp. 27-29.

³ See Civil No. 3:02-0829 (Judge Trauger) (Sprint) and 3:02-0830 (Judge Trauger) (BellSouth). A protective appeal was also in the Tennessee Court of Appeals. See Appeal No. M2002-02057-COA-R12-CV (Sprint) and M2002-02054-COA-R12-CV (BellSouth).

intervened to participate in the appeal. AT&T and COVAD have no objection to this Joint Motion.

This request to extend stay is a key component of an agreement recently reached by BellSouth, Sprint, AT&T and Covad, the parties participating with the TRA in the appeal pending in federal court. The parties' agreement provides that AT&T and COVAD will not oppose the Joint Motion to Extend Authority Stay. Provided that the TRA grants the Motion, Sprint agrees to file a Motion requesting that the Authority hold Sprint's pending Motion to Suspend Orders⁴ in abeyance until sixty days after the FCC takes formal action with respect to the D.C. Court of Appeals *vacatur* of the FCC's line sharing rules. BellSouth agrees to support Sprint's motion. Provided that the TRA grants the Motion to Extend Authority Stay, BellSouth, Sprint, AT&T and COVAD also agree to file a motion asking the federal court to hold the appeals filed by BellSouth and Sprint in abeyance for at least sixty days after the FCC decision. Further, AT&T and COVAD have agreed not to oppose BellSouth's and Sprint's request that the Authority hear the Motion to Extend Authority Stay on an expedited basis.

By entering into this agreement, no party waives any arguments it has made or may make with respect to any of the issues in this proceeding or in the appeal. Finally, if the TRA does not grant the Motion to Extend Authority Stay in

⁴ See *United Telephone-Southeast, Inc. and Sprint Communications Company, LP Joint Motion to Suspend*, filed May 29, 2002. This Motion requests that the Authority suspend aspects of its June 27 Order beyond the ruling relating to dual purpose line cards for Next Generation DLC.

accordance with the request by BellSouth and Sprint, Sprint and BellSouth reserve the right to ask the Authority to rule on Sprint's Motion to Suspend Orders.

BellSouth and Sprint respectfully submit that this agreement will promote the efficient use of resources for the Authority as well as the parties. If the Authority extends the stay, thereby extending the *status quo* until the FCC rules on its remand consideration of *United States Telecom Association v. FCC*, 290 F.2d 415 (D.C. Circuit 2002), which vacated certain FCC rules which the TRA Order referenced, the Authority will have the benefit of the FCC's guidance before making final rulings on these important, contested issues.⁵ Moreover, the Authority will not have to respond to the request for stay which BellSouth and Sprint otherwise anticipate filing in federal court, and the parties will not have to brief and argue the issues prior to the FCC's decision. The parties' agreement does not prejudice any party's rights with respect to the merits of these issues. Nor does it foreclose any determination on the merits of these issues by the TRA.

WHEREFORE, Sprint and BellSouth request that the Authority grant this Joint Motion to Extend the Authority's Stay on its dual purpose line card ruling until at least sixty days after the FCC takes formal action with respect to the D.C. Court of Appeals *vacatur* of the FCC's line sharing rules and that the Authority do so on an expedited basis.

⁵ The District of Columbia Circuit has stayed its *vacatur* of the FCC line sharing rules until January 3, 2003, at which time further action by the FCC is expected.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

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CERTIFICATE OF SERVICE

I hereby certify that on November 22, 2002, a copy of the foregoing document was served on the parties of record, via the method indicated:

- ☐ Hand
- ☒ Mail
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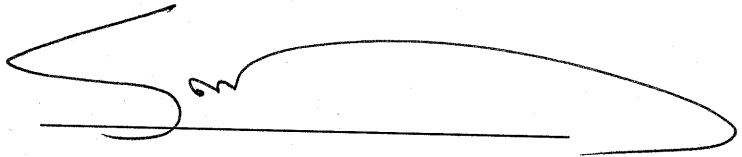
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A handwritten signature in black ink, appearing to read 'W. H. Weber', with a long horizontal line extending to the right.